

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO.2913 OF 2006

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Dated : 10th March, 2006.

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Between:

Nagari Social and Welfare Association,
546/3, Talarivari Street, Nagari,
Nagari Mandal, Chittoor District, rep. by
Its President M. Balu, S/o. M.Venkataratnam Naidu,
Aged 30 yeas, resident of 3/42, Beri Street,
Nagari, Chittoor District. ... Petitioner

And

1. The Superintendent of Police, Chittoor District.
2. The Circle Inspector of Police, Nagari,
Chittoor District.
3. The Sub-Inspector of Police, Nagari Police Station,
Nagari, Chittoor District. ... Respondents

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ORDER :

The petitioner seeks a Writ of Mandamus declaring the alleged action of the respondents in not permitting the petitioner Association to allow its members to play the game of Rummy as arbitrary and illegal.

In response to Rule Nisi ordered, the 3rd respondent – Sub-Inspector of Police, Nagari P.S. filed a counter-affidavit denying all the allegations made by the petitioner and stating that the respondents never interfered with the lawful activities of the petitioner association.

Heard the learned Counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

It is brought to my notice by the learned Counsel for both the parties that in similar circumstances, a Division Bench of this Court has clarified the legal position in this regard in its judgment in W.A.No.1167 of 2002, dated 29-07-2002. The relevant portion may be extracted hereunder :

“The police authorities cannot obstruct the writ petitioner-Club from conducting card room where the members and guests of the writ petitioner’s cultural center are allowed to play the game of rummy with stakes/syndicate (thirteen card game). At the same time, we make it clear that the police are always at liberty to enter the premises and check as to whether the cultural center of the Club is conducting card room where the members and guests of petitioner’s cultural center are playing the game or rummy with stakes / syndicate (thirteen card game), for the purpose of verification. If they receive intimation, police may enter the Club and verify the same and proceed further if the members and guests of Writ Petitioner’s cultural center play other than the game of rummy with stakes / syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered.”

Having regard to the stand taken by the respondents in their counter-affidavit that they are not interfering with the lawful activities of the petitioner association and in the light of the above judgment of the Division Bench, the Writ Petition is disposed of in terms of the directions given in the judgment in W.A.No.1167 of 2002, dated 29-

07-2002.

However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner Association if they promote illegal activity at the premises of the petitioner Association. No costs.

G. ROHINI, J.

Dt. 10-03-2006.

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